REMARKS

By this Amendment, Applicant hereby adds claims 79-82, which are supported throughout the specification. Accordingly, claims 70-75 and 79-82 are all of the claims pending in the application.

I. Formal Matter

Applicant thanks the Examiner for initialing and returning the PTO/SB/08 form submitted with the Information Disclosure Statement dated March 10, 2009, indicating consideration of the documents cited therein.

II. Statement of Substance of Interview

Applicant thanks the Examiner for a courteous in-person interview on September 16, 2009. The PTO-413 requires Applicant to file a Statement of Substance of Interview. The Statement of Substance of Interview is as follows:

The in-person interview was conducted on September 16, 2009, with the following in attendance:

Christopher M. Brandt (Examiner) J. Warren Lytle, Jr. (Reg. No. 39,283)

Rafael Perez-Gutierrez (Supervisory Examiner) Eric S. Barr (Reg. No. 60,150)

Applicant discussed the 35 U.S.C. § 103(a) rejection with respect to claim 70. Applicant discussed differences between the claimed invention and the teachings of U.S. Patent No. 7,010,318 to Chang et al. (hereinafter "Chang") and U.S. Patent Application Publication No. 2002/0009061 to Willenegger (hereinafter "Willenegger").

The Examiner and Supervisory Examiner agreed that Chang does not teach or suggest a "means for controlling a reception quality of a transmission power control signal included in a

downlink dedicated channel sent only from the packet transmission base station, by controlling a target SIR," as recited, *inter alia*, in claim 70.

Specifically, Applicant discussed col. 5, lines 45-47 of Chang. Applicant noted that the disclosure in Chang referring to the UE carrying out the transmission power control with only the Node B selected as the best cell refers to uplink transmission power control, not the claimed downlink power control (*see, e.g.,* col. 3, lines 54-57 of Chang).

According to Chang, the UE carries out the transmission power control with only the Node B selected as the best cell by storing TPC commands received for a specific duration from a plurality of cells in an active set, if the UE enters in the handover region during communication with a current best cell. If a next best cell is selected from the plurality of cells, the UE determines a transmission power offset (for an uplink channel) by comparing TPC commands from the current best cell with TPC commands from the next best cell for the specific duration at a time point where the best cell is changed from the current best cell to the next best cell. The UE transmits initial transmission power for the next best cell at a transmission power level determined considering the transmission power offset. *See* col. 4, lines 12-26 of Chang. Thus, with respect to **uplink power**, Chang discloses that the UE carries out the transmission power control with only the Node B selected as the best cell. Applicant thus submits that Chang does not teach or suggest the claimed "means for controlling a reception quality of a transmission power control signal included in a **downlink** dedicated channel sent only from the packet transmission base station, by controlling a target SIR" (emphasis added).

During the interview, Applicant also discussed col. 11, line 55 through col. 12, line 38 of Chang. Applicant noted that the disclosure in Chang referring to controlling transmission power

of a downlink channel relates only to controlling transmission power of a **shared** channel (*see* col. 11, line 56 of Chang), not the claimed "downlink **dedicated** channel" (emphasis added). Applicant further submits that, according to Chang, TPC commands are transmitted from the UE to respective cell**s** (*see* col. 12, line 20 of Chang), and thus rather than "controlling a reception quality of a transmission power control signal included in a downlink dedicated channel sent **only** from the packet transmission base station" (emphasis added), as required by the claim, Chang discloses sending TPC commands to **multiple** cells.

Applicant further submits that it would **not** have been obvious to a person of ordinary skill in the art to modify the method of controlling transmission power of a downlink shared channel according to Chang to arrive at the claimed invention. Applicant respectfully submits that a person of ordinary skill in the art would understand that it would be efficient for a mobile station to simply change to another cell with the best link state rather than performing power control with the currently selected cell. Accordingly, there is no apparent reason why a person of ordinary skill in the art would modify the disclosure of Chang to arrive at the claimed invention.

The Examiner and Supervisory Examiner agreed that Chang is deficient at least for the reasons identified above.

Applicant respectfully submits that the disclosure of Willenegger does not cure these deficiencies of Chang. Accordingly, Applicant respectfully submits that claim 70 is patentable over the combination of Chang and Willenegger.

It is respectfully submitted that the instant STATEMENT OF SUBSTANCE OF INTERVIEW complies with the requirements of 37 C.F.R. §§ 1.2 and 1.133 and MPEP § 713.04.

III. Claim Rejections under 35 U.S.C. § 103(a)

Claims 70-75 remain rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Chang in view of Willenegger. Applicant respectfully traverses this rejection.

Applicant respectfully submits that claim 70 is patentable over Chang and Willenegger at least for the reasons discussed above.

Applicant respectfully notes that claims 72 and 74 recite features similar to, although not necessarily coextensive with, the features discussed above with respect to claim 70. Accordingly, Applicant respectfully submits that claims 72 and 74 are patentable over Chang and Willenegger at least for the reasons discussed above with respect to claim 70.

Applicant respectfully submits that claims 71, 73, and 75 are patentable over Chang and Willenegger at least by virtue of their dependency on claims 70, 72, and 74.

IV. New Claims

Applicant hereby adds claims 79-82, which are supported throughout the specification. Applicant respectfully notes that claims 79 and 81 recite features similar to, although not necessarily coextensive with, the features discussed above with respect to claim 70. Accordingly, Applicant respectfully submits that claims 79 and 81 are patentable over Chang and Willenegger at least for the reasons discussed above with respect to claim 70.

Applicant respectfully submits that claims 80 and 82 are patentable over Chang and Willenegger at least by virtue of their dependency on claims 79 and 81.

V. Conclusion

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. **If any points remain in issue which the**

Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly invited to contact the undersigned attorney at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,

/Eric S. Barr/

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